



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

September 25, 2009

Mr. Scott A. Kelly
Deputy General Counsel
The Texas A&M University System
A&M System Building, Suite 2079
200 Technology Way
College Station, Texas 77845-3424

OR2009-13561

Dear Mr. Kelly:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 356451.

Texas A&M University (the "university"), received a request for the winning proposal submitted in response to RFP 09-0026, as well as tabulations, copies of certain invoices, and information relating to delivery hours and payment terms. You indicate the university will release the requested information with the exception of the submitted proposal. Although you take no position regarding the public availability of the submitted information, you state the release of this information may implicate the rights of the third party whose information has been requested. You state, and provide documentation showing, that you have notified Brenco Marketing Corporation ("Brenco") of its right to submit arguments to this office as to why its submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

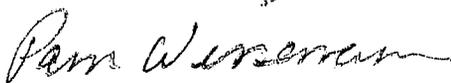
You inform us that the submitted information was the subject of a previous request for information in response to which this office issued Open Records Letter No. 2009-12528 (2009). In that decision, our office ruled the university must release the submitted information. As we have no indication that the law, facts, and circumstances on which this prior ruling was based have changed, the university must continue to rely on this ruling as a previous determination and dispose of Brenco's information in accordance with Open Records Letter No. 2009-12528. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information

as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Pamela Wissemann
Assistant Attorney General
Open Records Division

PFW/jb

Ref: ID# 356451

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Don Broach
Brenco Marketing Corporation
3704 South College Avenue
Bryan, Texas 77801
(w/o enclosures)